



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Application Number:** 2306541  
**Applicant Name:** Michael Yukevich  
**Address of Proposal:** 31A Etruria Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for construction of a 3-story, 3-unit townhouse with basement in an environmentally critical area (Steep Slope and Potential Slide Area). Accessory parking for three (3) vehicles to be provided within the structure.

The following approval is required:

**SEPA – Environmental Determination**  
Chapter 25.05 of the Seattle Municipal Code.

**SEPA DETERMINATION:** ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

Site and Area Description

This rectangular shaped proposal site is approximately 3,850 square feet in area located in a Multifamily Residential Lowrise 3 zone. The proposal site is on the north side of an existing

alley running east-west from Warren Avenue North to Queen Anne Avenue North, between Etruria Street and Florentia Street, and is the fourth lot along the alley east of Queen Anne Avenue North. The proposal site is currently vacant, and has a 69.99 linear feet of alley lot line with a lot depth of approximately 55 linear feet. The abutting alley is improved with an approximately thirteen feet (13') wide asphalt paved roadway and with a right-of-way width of sixteen (16) feet.

The south half of the site has a moderate slope going down northward from the alley and the north half slopes down approximately greater than 40% to the north property line. Thick vegetation, mostly with overgrown bushes, and small trees covers the north half, and the ground is covered by grass, shrubs, bushes and a few number of trees on the south half of the site. A six-foot high wooden fence encloses the site from the neighboring apartment complex to the west and from the alley right-of-way.

#### Development in the Vicinity

The zoning adjacent to the north, east and west of the site is Lowrise (L-3), and beyond Etruria Street the zone is Commercial (C2-40). To the south across the existing alley is Lowrise (L-1) and beyond Florentia Street, the zone is Single Family (SF5000).

The existing development of the properties to the immediate northwest is a condominium complex, and directly to the northeast is a vacant lot and an existing single family home. The existing development beyond the adjacent lots are: warehouses, commercial retail and a mix of multifamily and single family dwellings to the north beyond Etruria Street; apartments, condominiums, duplexes, triplexes and a few single family homes are to the east; mostly single family homes are to the south beyond Florentia Street; and then to the west are existing apartments with a few single family homes and duplexes.

#### Proposal Description

The applicant proposes to construct a three-story, three (3) unit townhouse with full basement in an environmentally critical area (Steep Slope and Potential Slide Areas). The parking space for each unit is located in the garage at grade level under each townhouse unit. Vehicular access to the townhouses is through the existing improved alley abutting the site to the south, and pedestrian access to the dwelling units is from Etruria Street through an on-grade stairway within a five-foot (5') easement provided by the lot to the north which will be developed with a single family structure.

#### Public Comments

The public comment period for this proposal began on April 22, 2004 and ended on May 5, 2004. No comment letter was received during the comment period regarding this proposal. After the comment ended some telephone calls and eventually a comment letter was received from the property owner address at 33 Etruria Street. The comments were primarily concerning construction noise that will be generated, parking impacts, and window placement on the

proposed structure. Excavation impact was also mentioned due to the proximity of the proposal site. Comments concerning settling of existing structures in the adjacent properties due to extensive excavation on the proposal site were raised as a significant impact.

### **ANALYSIS - SEPA**

This proposal site is located in a steep slope and potential slide area, thus the application is not exempt from environmental review. However, SMC 23.05.908 provides that the scope of environmental review of projects within the critical areas is limited to: 1) documenting whether the proposal is consistent with the City's Environmental Critical Areas (ECA) regulations in SMC 25.09; and 2) evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigating measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Environmental review resulting in a threshold determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 23.05).

The initial disclosure of the potential environmental impacts on this project was made in the environmental checklist prepared by the applicant dated March 4, 2004. The information in the checklist, field inspection and the experience of the lead agency with similar projects form the basis of this analysis and decision.

The Department of Planning & Development has analyzed and annotated the environmental checklist submitted by the applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to the temporary nature and the limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between the codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short Term Impacts

The following temporary or construction-related impacts are expected: 1) temporary soil erosion due to excavation and/or stormwater runoff; and 2) increased vibration caused by construction activities, installation of soldier piles along the east and west lot lines and equipment operations. These impacts are temporary and/or minor in scope and therefore considered not significant (SMC 23.05.794).

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. The proposal includes limited excavation of soils for construction due to the fact that majority of the work proposed is being done within the south half of the lot. The Stormwater, Grading and Drainage Control Code requires that the soil erosion control techniques be initiated for the duration of construction. The Environmentally Critical Areas (ECA) Ordinance and DR 3-93 and 3-94 regulate the development and construction techniques in designated ECA's. The Building Code provides for construction measures in general. Therefore, compliance with these applicable codes and ordinances will reduce or eliminate short-term impacts to the environmentally critical area and no further conditioning pursuant to SEPA policies is required.

Since the site is within an identified ECA (Potential Slide and Steep Slope Area), a further discussion of the Code based requirements is warranted. The ECA Ordinance and the Directors Rule (DR) 3-93 may require submission of a soils report and detailed Geotechnical and Engineering studies to evaluate the site conditions and provide recommendations for safe construction within identified geological hazard areas.

A site visit by DPD confirmed that the south half of the site slopes down moderately towards north from the existing alley, and then the north half slopes down significantly towards the north lot line. The presence of some portions of steep slope and small portions of retaining walls along the north, east and west lot lines are clear evidence of previous grading on the adjacent sites. The rocky retaining walls protect the cuts created by development in the adjacent property. Construction plans and erosion control techniques can be applied to further protect these cuts, thus preventing impact on the adjacent properties.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required showing conformance with the applicable ordinance and codes (ECA Ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93 and 3-94) will be required prior to issuance of Building Permits. Applicable codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to assure that safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Long term Impacts

Potential long-term or use-generated impacts associated with the approval of this proposal include stormwater, erosion potential and stability of the site. Adopted City codes and/or ordinances provide mitigation for identified impacts, and these are: the ECA Ordinance Chapter 25.09.100; Development Standards for Potential Slide Areas; Stormwater, Grading and Drainage Control Code which requires that on-site water runoff be directly discharged to an approved outlet into the City public sewer (PS) system and this may also require additional design elements to prevent isolated flooding. Compliance with all applicable codes and ordinances is adequate to achieve sufficient mitigation of long term impacts and no further conditioning is warranted by SEPA policies.

### **DECISION – SEPA**

The decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 430 43021C including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS**

None.

Signature: \_\_\_\_\_ (signature on file) Date: August 5, 2004  
Edgardo R. Manlangit, Land Use Planner  
Department of Planning & Development  
Land Use Services

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